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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,
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10 Plaintiff,
11 v.
12 OLIVER BRIGHAM,
13 Defendant.

14 CASE NO. CR04-5488

15 ORDER

16 This matter comes before the court upon Defendant's Motion to Dismiss Count I:
17 Insufficient Evidence (Dkt. # 49). The court has reviewed the motion and supporting
18 memorandum and affidavit as well as the Government's response. The issues raised by
19 the motion are appropriate for resolution by the jury, or by motion after presentation of
20 evidence at trial. The motion is, therefore, DENIED.

21 Dated this 28th day of October, 2005.

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26 JAMES L. ROBART
27 United States District Judge

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30 ORDER